

2011 City of San Jose - OE 3 Negotiations

OE 3 Counter Proposal - Sick Leave Payout

- 18.2 Sick leave payoff shall be given to each full-time employee at the time of retirement or death under one of the following conditions:
- 18.2.1 Federated Retirement Plan. The employee is: a) a member of the Federated Retirement Plan, and; b) retired under the provisions cited in the plan, and; c) credited with at least 15 years of service in this retirement plan, or; d) credited with at least 10 years of service prior to a disability retirement.
 - 18.2.2 Separated Employee with Vesting Rights. The employee has: a) separated from service with the City and has not been terminated for cause as defined by San Jose Municipal Code Section 3.04.1370 and; b) retained vesting rights in a retirement system according to provisions in the SJMC, and; c) following such separation, qualifies for retirement and retires under the provisions cited in the code, and; d) has at the time of retirement credit for at least 15 years of service in the applicable retirement plan.
 - 18.2.3 Death During Service. The estate of any full-time employee who dies while in City service and prior to retirement, even though the employee is not credited with at least 15 years of service in any applicable retirement plan.
 - 18.2.4 Death of Separated Employee. The estate of any full-time employee who: a) has separated from service with the City and has not been terminated for cause as defined by San Jose Municipal Code Section 3.04.1370 but had retained vesting rights in a retirement system according to provisions in the SJMC, and; b) dies prior to becoming eligible for retirement allowances as cited under provisions of the SJMC, and; c) has at the time of death credit for at least 15 years of service in the applicable retirement plan.

18.3 Payout shall be determined as follows.

18.3.1 If a full-time employee at the time of retirement or death has earned, unused sick leave hours, the employee shall be paid the equivalent of a specified percent of their hourly rate of pay at the time of retirement, termination or death, whichever comes first, multiplied by the total number of accumulated and unused hours of sick leave as of the date of retirement or death.

18.3.2 Less than 400 hours -	Hours accumulated x 50% of final hourly rate;
or 400 - 799 hours -	Hours accumulated x 60% of final hourly rate;
or 800 - 1200 hours -	Hours accumulated x 75% of final hourly rate.

18.4 Use of previously accumulated sick leave hours. For purposes of determining the total number of accumulated and unused hours of sick leave of a full-time employee at the time of retirement or death, unused sick leave from prior periods of employment with the City shall be used. However, previously accumulated sick leave shall be credited to the employee for use during an employee's current employment.

18.5 *Effective January 1, 2012*, employees hired on or after that date; Sick leave payoff shall be given to each full-time employee at the time of retirement or death under one of the following conditions:

18.2.1 Federated Retirement Plan. The employee is: a) a member of the Federated Retirement Plan, and; b) retired under the provisions cited in the plan, and; c) credited with at least 20 years of service in this retirement plan, or; d) credited with at least 10 years of service prior to a disability retirement.

18.3.1 If a full-time employee at the time of retirement or death has earned, unused sick leave hours, the employee shall be paid the equivalent of a specified percent of their hourly rate of pay at the time of retirement, termination or death, whichever comes first, multiplied by the total number of accumulated and unused hours of sick leave as of the date of retirement or death.

18.3.2 Less than 400 hours -	Hours accumulated x 25% of final hourly rate;
or 400 - 799 hours -	Hours accumulated x 40% of final hourly rate;
or 800 - 1200 hours -	Hours accumulated x 55% of final hourly rate